

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

NEAUTHOR ROBINSON,)	
)	
Petitioner,)	
)	CIVIL ACTION NO.
v.)	1:16cv515-MHT
)	(WO)
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

OPINION

Pursuant to 28 U.S.C. § 2255, petitioner Neauthor Robinson filed this lawsuit seeking habeas relief as to his conviction and sentence for using or brandishing a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c). The parties agree, and the court finds, that the habeas petition should be granted as to Robinson's § 924(c) conviction and sentence, first, based on the United States Supreme Court's holding in *United States v. Davis*, 139 S. Ct. 2319 (2019) that the residual clause of 18 U.S.C. § 924(c)(3) is unconstitutionally vague; and second, because petitioner's underlying conviction of kidnapping in

violation of 18 U.S.C. § 1201(a) does not qualify as a "crime of violence" under the elements clause of § 924(a)(3), see *United States v. Lewis*, 115 F.3d 1531, 1535 (11th Cir. 1997); *United States v. Gillis*, --- F.3d ---, 2019 WL 4383203 (11th Cir. Sept. 19, 2019).

An appropriate judgment will be entered.

DONE, this the 30th day of September, 2019.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE